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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,108	12/10/2003	Chii-Ron Kuo	1291052	9190

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PRO-TECHTOR INTERNATIONAL SERVICES
20775 Norada Court
Saratoga, CA 95070-3018

EXAMINER

DWIVEDI, VIKANSHA S

ART UNIT	PAPER NUMBER
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3746

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/733,108	Applicant(s) KUO ET AL.	
	Examiner Vikansha S. Dwivedi	Art Unit 3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 4 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being vague and indefinite in that they fail to point out what is included or excluded by the claim language. This claim is an omnibus type claim. The use of term "any" in Claims 3, 4 and 6 is very vague and fails to define the metes and bounds of the applicant's claimed invention.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Lopatinsky (U.S. Patent number 6,194,798 B1).
Lopatinsky discloses an cooling fan (10), comprising: an upper casing (12); a lower casing (20, See figure 1 and 2), attached to said upper casing and together with said upper casing (12) enclosing an inner space (shown in Figure 1); a rotor assembly (14), housed in said inner space and performing a rotational movement, further comprising a

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plurality of blades (Impeller part of 14), attached to a central shaft (22) and having a peripheral ring (formed by 25 and 27), from which a peripheral rim (12) extends outward; and a driving unit (motor stator 16), having electric coils (53, 54, 55, 56) on said upper or lower casings (See Figure 1 and Column 4 lines 52-60) and permanent magnets (36) on said peripheral rim (see Column 4, lines 22-31), causing said rotational movement of said rotor assembly (Column 4 and 5); wherein an increased area of air flow and consequently increased air flow are attained (Column 2 lines 38-39), while drag and noise are reduced, rotational stability is increased and a flatter shape is allowed for (column 2 lines 37-46); wherein said electric coils of said driving unit are either mounted on said upper casing or said lower casing or both said upper casing and said lower casing (Figure 1, Column 4 lines 52-60); wherein said electric coils and said permanent magnets of said driving unit are installed in any desired number (Column 6 lines 14-17), further comprising a seat (Shown in Figure 2 right next to the shaft 22) in said inner space for supporting and guiding said rotor assembly; wherein said blades of said rotor assembly are installed in any desired number (Column 6, lines 14-17); wherein said permanent magnets are inserted in said peripheral rim of said rotor assembly (Shown in Figure 1 attached to 20); wherein said blades, said central shaft and said peripheral ring of said rotor assembly form an integral (Shown in Figure 1, the fan assembly is composed of parts that together make a whole; several parts are rigidly secured together as a single unit, **which is synonymous with one-piece**) body.

Conclusion

No Claims have been allowed.

Claims 1-8 are rejected under 35 U.S.C. 102 (b).

Claims 3, 4 and 6 are further rejected under 35 U.S.C. 112 (2nd paragraph).

The following references are cited to further show the state of the art with respect to driving parts being mounted in the periphery of the rotor assembly as opposed the traditional way of mounting it in the center.

JP407205897A

It should be noted that though the invention is in non-analogous art but it anticipates the main idea of the application under consideration.

The question whether a reference is analogous art is irrelevant to whether that reference anticipates. See *In re Self*, 671 F.2d 1344, 1350, 213 USPQ 1, 7 (CCPA 1982). A reference may be from an entirely different field of endeavor than that of the claimed invention or may be directed to an entirely different problem from the one addressed by the inventor, yet the reference will still anticipate if it explicitly or inherently discloses every limitation recited in the claims. (*In Re Schreiber*, 44 USPQ2d 1429)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vikansha S. Dwivedi whose telephone number is 571-272-7834. The examiner can normally be reached on M-F, 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy S. Thorpe can be reached on 571-272-4444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



VSD



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PRIMARY EXAMINER